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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/411,171	10/01/1999	KHURSHED MAZHAR	3797.80030	7939

28319 7590 02/27/2003

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EXAMINER

BECKER, SHAWN M

ART UNIT

PAPER NUMBER

2173

DATE MAILED: 02/27/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/411,171

Applicant(s)

MAZHAR ET AL.

Examiner

Shawn M. Becker

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. This action is responsive to communication filed 12/19/02.

Specification

2. The changes made to the specification have been acknowledged and the objections to the drawings are withdrawn.

Claim Rejections - 35 USC § 102

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
4. Claims 1, 14-15, and 17 are rejected under 35 U.S.C. 102(a) as being clearly anticipated by RealPlayer G2™, hereafter, RealPlayer.

Claims 1, 14-15, and 17 are rejected based on the same grounds of reasoning set forth in the prior action mailed 9/25/02.

5. Claim 18 and 20-21 are rejected under 35 U.S.C. 102(a) as being clearly anticipated by RealNetworks' RealGuide Explorer Bar as supported in the March 18, 1999 press release by Realnetworks.

Referring to claim 18, the RealGuide Explorer Bar is implemented in a computer system having a display device and a speaker for playing a source of streaming media. The RealGuide Explorer Bar is a program that accesses data and files (audio and video files) from the World Wide Web. It is integrated into Microsoft® Internet Explorer 5.0 (hereafter IE), which is a graphical user interface of a Web browser which displays a Web page in a browser pane. See the second and fifth paragraphs of the press release. The RealGuide Explorer Bar is a toolbar for

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displaying at least one button capable of controlling the first source of streaming media irrespective of the Web page being browsed. See the fifth and sixth paragraphs.

Referring to claim 20, the press release discloses a computer system having a display device for rendering a graphical user interface of a Web browser (IE) displaying a Web page in a browser pane and having at least one explorer bar (RealGuide Explorer Bar) for providing a display area adjacent to the browser pane that is registered with the Web browser as a band object. See the fifth paragraph. The RealGuide Explorer Bar allows user input regarding the first source of streaming media irrespective of the content present in the browser pane. See the sixth paragraph.

Referring to claim 21, the press release discloses a radio server component for playing a radio source of streaming media (RealGuide Explorer Bar) irrespective of content being displayed in a simultaneously used Web browser (IE), an interfacing component for communicating with the radio server component (RealGuide Explorer Bar; sixth paragraph), and at least one radio client component communicating through the interfacing component in order to provide instructions to the radio server component regarding the radio source of streaming media. See the first, fifth, and sixth paragraphs.

Claim Rejections - 35 USC § 103

6. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

7. Claims 2-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over RealPlayer and Applicant's Admitted Prior Art (AAPA).

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Claims 2-13 are rejected based on the same grounds of reasoning set forth in the prior action mailed 9/25/02. The amendments to claims 2 and 10-13 did not narrow the scope of the claims or add new limitations.

8. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over RealPlayer and U.S. Patent No. 6,151,634 to Glaser et al.

Claim 16 is rejected based on the same grounds of reasoning set forth in the prior action mailed 9/25/02.

9. Claims 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over RealPlayer, the AAPA, and RealNetworks' RealGuide Explorer Bar as supported in the March 18, 1999 press release by Realnetworks.

Claim 19 adds the limitation that the radio toolbar displays at least one radio-toolbar button capable of controlling the first source of streaming media irrespective of the Web page being browsed to claim 13. Realplayer and the AAPA teach everything in claim 19, but this new limitation is not explicitly shown. However, the press release describes integrating the RealGuide Explorer Bar with Microsoft® Internet Explorer 5, such that users could browse the web through IE while still having control over streaming media. See the first, fifth, and sixth paragraphs of the press release. It would have been obvious to one of ordinary skill in the art to modify the graphical interface of RealPlayer and the AAPA to be implemented in a Web browser (e.g. IE) as shown in the press release, in order to provide quick access to music and other streaming media while browsing the web.

Response to Arguments

10. Applicant's arguments filed 12/19/02 have been fully considered but they are not persuasive. Applicant argues that the only information about dates is provided in screenshot 1, and that the other screenshots should not be considered prior art. Applicant specifically argues that software updates may be provided without changing the copyright notice. However, for the update to take place in RealPlayer, the user must accept it. On page 2 of the November 23, 1998 press release by Realnetworks, the Autoupdate feature is described. It explains how the user is first notified of an update, and then must click to install the update ("one button away"). The Examiner never clicked to update the RealPlayer as can be seen in the title bar that states "RealPlayer G2", which was released in November of 1998 as described in the same press release. The title bar does not show "RealPlayer 7" or any other version released after the G2. The Autoupdate provides notification of available updates, and therefore the reference to RealPlayer 8 in screenshots 2-5 simply notifies the user (Examiner) of versions of RealPlayer that were available at the time of the examination.

The November 23, 1998 press release, March 18, 1999 press release by Realnetworks, and the articles by the Impress Corporation all provide support that the RealPlayer G2 is prior art. The articles by the Impress Corporation provide screenshots of the RealPlayer G2 taken in November of 1998 that support the screenshots cited in the prior action.

Conclusion

11. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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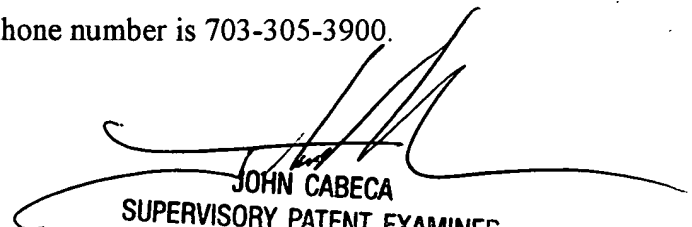
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shawn M. Becker whose telephone number is 703-305-7756. The examiner can normally be reached on M-T 8:00 - 5:30 and alternating Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Cabeca can be reached on 703-305-3116. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-7239 for regular communications and 703-745-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

smb
February 13, 2003


JOHN CABECA
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100